

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CANDY TORRES,

Plaintiff,

v.

ALLAN ROTHSTEIN and KYLE PUNTNEY,

Defendants.

Case No. 2:19-cv-00594-APG-EJY

ORDER

Presently before the Court is Plaintiff Candy Torres' ("Torres") Request for Judicial Notice (ECF No. 80), attached to which are three Exhibits related to Defendant Allan Rothstein's ("Rothstein") attempts to evict Plaintiff from her rental property through proceedings in Nevada state court.¹ ECF Nos. 80-1 through 80-3. Neither Defendant filed an opposition to Torres' Request. The Court finds as follows.

Federal Rule of Evidence ("Fed. R. Evid.") 201 provides for judicial notice of adjudicative facts. Pursuant to Fed. R. Evid. 201(b)(2), a presiding court may "judicially notice a fact that is not subject to reasonable dispute [when] it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." As explained in *Clark Cnty. Dep't of Family Servs. v. Watkins*, "[j]udicial notice is properly taken of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue." Case No. 2:17-cv-00354-GMN-PAL, 2017 WL 1243527, at *1 (D. Nev. Feb. 24, 2017) (internal citation omitted). A court is required to "take judicial notice if a party requests it and the court is supplied with the necessary information." Fed. R. Evid. 201(c)(2).

Plaintiff requests the Court take judicial notice of three Exhibits:

- 1. Exhibit 1:** A certified copy of *Tenant's Affidavit/Answer in Opposition to Summary Eviction Regarding Nonpayment of Rent*, executed by Candy Torres and filed on February 15, 2019, in Rothstein v. Torres, Case 19E003909, LVJC Civil

¹ Pursuant to Fed. R. Civ. P. 5.2(a), Plaintiff partially redacted the personal telephone numbers, email addresses, financial account numbers, and names of individuals known to be minors from her Exhibits.

1 Evictions, in Justice Court, Township of Las Vegas, Clark County, Nevada,
 2 including exhibits appended thereto;

3 **2. Exhibit 2:** A file-stamped copy of *Landlord's Affidavit/Complaint for*
 4 *Summary Eviction for Nonpayment of Rent*, executed by John Haydukovich on
 5 behalf of Allan Rothstein and filed on March 13, 2019, in Rothstein v. Torres, Case
 6 19E003909, LVJC Civil Evictions, in Justice Court, Township of Las Vegas, Clark
 7 County, Nevada, including an exhibit appended thereto; and,

8 **3. Exhibit 3:** A certified copy of Memorandum [i]n Support of Tenant's
 9 Answer, executed by attorney Ron Sung (NSB 13047), Nevada Legal Services,
 10 appearing on behalf of Candy Torres and filed March 19, 2019, in Rothstein v.
 11 Torres, Case 19E003909, LVJC Civil Evictions, in Justice Court, Township of Las
 12 Vegas, Clark County, Nevada, including exhibits appended thereto.

13 ECF No. 80 at 1-2; *see also* ECF Nos. 80-1 through 80-3. In the case pending in this Court, Torres
 14 asserts that Rothstein filed wrongful eviction notices against her and that these eviction attempts
 15 were dismissed only after an attorney intervened on her behalf. ECF No. 76 ¶¶ 49-53, 62-64.
 16 Exhibits 1, 2, and 3, each of which is a pleading concerning Rothstein's attempted summary
 17 evictions, are therefore directly related to matters at issue.

18 Accordingly,

19 IT IS HEREBY ORDERED that Plaintiff's First Request for Judicial Notice (ECF No. 80)
 20 is GRANTED.

21 Dated this 16th day of July, 2020.

22 
 23 ELAYNA J. YOUCHAK
 24 UNITED STATES MAGISTRATE JUDGE
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